

**REMARKS**

This amendment is made for purposes of placing the application in better condition for allowance or, in alternative, for appeal.

Claims 2-7, 10-16, and 19 are currently pending in the application. Claims 2, 7, and 19 have been amended. Claims 2 and 19 have been amended to address matters of form, and have not been substantively changed. Claim 7 has been amended to include the features of now canceled claims 8 and 9. Therefore, no new issues are raised by the amendment, and the amendment is ready for entry into the case as it should place the application in condition for allowance, or, alternatively, narrow the issues required for appeal.

The withdrawal of previous rejection of claims 2-6 and 19 as well as the obviousness double patenting rejection have been noted with appreciation.

Claims 2-6 and 19 have been rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. This rejection is respectfully traversed based on the above amendments and following remarks.

Claim 2 has been amended to change the recitation, indicated by the Examiner as reciting new matter, "providing a three-dimension information identified by three-dimensional characteristics of objects represented in said two-dimensional image", to read as follows: "providing a three-dimension information determined by three-dimensional characteristics of objects represented in said two-dimensional image." This amendment is fully supported by the description on page 15, lines 3 to 6 in the specification and the description on page 19, lines 21 to 23. These passages of the specification make clear that the three-dimension information is determined by three dimensional characteristics of objects represented in the two dimensional image.

Also, in claim 2, the phrase “recording an image on an image recording surface, based on said image data” , which was indicated as not satisfying enablement requirement by the Examiner, was changed to read as follows “recording an image on an image recording surface by using said image data.” This amendment is fully supported by specification on page 27, lines 2 to 4. It is apparent from the description that the hard copy is created by using image data.

Further, with respect to the recitation in claim 2 “forming on said image recording surface a transparent coat layer, covering an area in the image, having asperities with a form based on said three-dimensional information”, the phrase “covering an area in the image” is supported by specification on page 33, lines 10 to 14. In view of this description, the “transparent coat layer” does not have to be formed over the entire “recording medium” and also the “formed transparent coat layer” does not necessarily cover the entire “forming area.” Thus, it is apparent from the description that the “transparent coat layer” is “covering an area in the image”.

The Applicant has also amended the phrase in claim 2 “having asperities with a form based on said three-dimensional information” to “and having asperities with a form which corresponds to said three-dimensional information”. This amendment is supported by the description on page 15, lines 4 to 6 in the specification.

Claim 19 has been amended to change the phrase “wherein the three-dimension information includes surface properties of said objects” to read as follows “wherein said three-dimension information is represented by surface properties of said objects.” This amendment is supported by the description on page 21, lines 1 to 3 in the specification. Furthermore, this amendment should obviate the rejection of claim 19 under 35 U.S.C. 112, second paragraph.

In view of the above, claims 2-6 and 19 should now be in immediate condition for allowance, and the rejections lodged under 35 U.S.C. 112, first and second paragraph should be withdrawn

Claims 7 to 16 have been rejected under 35 U.S.C. §102(b) as anticipated by Fujiwara et al. (U.S. Patent 4,977,136) or under §103(a) as obvious over Fujiwara et al. (U.S. Patent 4,977,136). These rejections are respectfully traversed.

As to claim 7 in the present application, citing Fujiwara, the Examiner alleges that whatever contours the image has would inherently be transferred to the protective layer, and thus that the asperities and the shape data from designated areas of the image would be passed on to the protective layer. Accordingly, the Examiner rejects the present application as being inherent in Fujiwara. This is simply incorrect.

The “asperities” recited in claim 7 of the present invention are determined in correspondence with the texture of the materials of objects, such as subjects forming an image. The “asperities” of claim 7 in the present application do not reflect the unevenness (an unevenness due to ink, for example) on the surface of the recording medium on which an image is recorded.

To further highlight distinctions between the invention and Fujiwara, the features of claims 8 and 9 (now canceled) have been incorporated into claim 7. Claim 7 now recites,

“A hard copy creation method comprising:

recording an image on a recording medium on a side of an image recording surface; and

forming a transparent coat layer, having asperities, on a designated area of said image recording surface, wherein the asperities are formed using shape data of describing the asperities, wherein the shape data corresponds to the textures of materials of objects forming said image, wherein said recording step is performed by modulating an image

recording unit according to digital image data, and an image obtained by reproducing said digital image data as a visible image is displayed for indication of said designated area, and

wherein formation of said transparent coat layer with respect to said designated area is performed according to a result of area extraction by analysis of said digital image data.” (Emphasis added)

Applicant respectfully submits that claim 7 as amended clearly defines over the patent to Fujiwara. A feature of claim 7 is “to form the transparent coat layer with respect to the designated area according to a result of area extraction by analysis of the digital data”. Based on this requirement, it is now apparent that the “asperities” of the transparent coat layer do not reflect the unevenness of the surface of the recording medium on which the image is recorded. This features is not shown in Fujiwara and would not be obvious to one of ordinary skill in the art from Fujiwara, as Fujiwara does not show extraction and digital analysis of a designated area. Even if it was presumed (incorrectly) that whatever contours the image has would inherently be transferred to the protective layer, the unevenness of the contours of the image has no relation with the asperities according to the texture of the material of the objects in Fujiwara. In addition, since the “asperities” on the transparent coat layer do not reflect the unevenness on the surface of the recording medium on which the image is recorded, the “asperities” on the transparent coat layer are not the contours transferred to the protective layer.

In rejecting claims 12 to 16, the Examiner alleges that whatever contours the image has, it would inherently be transferred to the protective layer and the asperities are a result of and/or are density variations. Responding to the rejection of claims 12 to 16, the Applicant respectfully submits that the Examiner’s allegation cannot be established for the following reasons.

The reference to Fujiwara describes a transparent cover film for color hard copy printing paper (hereinafter, simply referred to as the cover film), the cover film being formed over the entire surface of a printing paper on which the printing is carried out by the sublimation transfer, to thereby protect the sublimation-transferred image from movement of a dye under high temperature and high humidity. A precise coating in Fujiwara, as mentioned by the Examiner, is to prevent movement of a dye under high temperature and high humidity. Hence, in Fujiwara, the asperities on the surface of the image simply result in the corresponding asperities on the surface of the cover film. In addition, since the cover film is formed on the entire surface of the printing paper to prevent movement of a dye, Fujiwara would never need to analyze an image as required in the rejected claims. Since the patent to Fujiwara does not teach analyzing an image, the claims would not be anticipated by Fujiwara, and furthermore, the claims would not be obvious to one of ordinary skill in the art having full knowledge of Fujiwara since no such analysis would be considered from the teachings of Fujiwara since the cover film is formed on the entire surface of a printing paper, making it unnecessary to analyze an image

### **Conclusion**

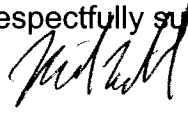
In view of the foregoing, Applicants respectfully request that the application be reconsidered, that claims 2 to 7, 10 to 16 and 19 be allowed, and that the application be passed to issue.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

As noted above, please charge the Two-month extension of time fee of \$450.00 to Attorneys' Deposit Account No. 50-2041 (Whitham, Curtis, Christofferson & Cook P.C.). Please charge additional fees (if any) for a provisional petition of extension of time, any deficiencies in fees, and credit

any overpayment of fees for the petition or for entry of this amendment to Attorneys' Deposit Account No. 50-2041 (Whitham, Curtis, Christofferson & Cook P.C.).

Respectfully submitted,



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